IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.51 Of 2006

Dr. Girraj Prasad Vs. Prakash Chandra & Another.

Date Of Order ::: 20.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Ranvir Singh, Counsel for defendant-appellant

By the Court :

Heard learned counsel for the defendant-appellant.

The plaintiff-respondents filed a suit for injunction in mandatory form and for demolition of the constructions raised by the defendant, which was decreed by the Lower Court. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

I have heard the learned counsel for the defendant-appellant and after considering his submissions in the light of the findings of both the

Courts below, I find that the controversial issues involved in the present case are relating to the question of facts and there is a concurrent finding of fact recorded by both the Courts below in this regard, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

ashok/